

Response and Amendment under 37 CFR § 1.111
Application No. 09/899,026
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Terminal Disclaimer

On January 23, 2002, the Applicants filed a Terminal Disclaimer for the present application with respect to issued US Patent Nos. 6,074,670 and 6,277,405.

Applicants are filing concurrently herewith a Terminal Disclaimer for the present application with respect to co-pending US Application Nos. 10/078,500 and 10/126,875.

Rejections Over Boyer

Claims 35, 39-41, 44, 52, 59, 61 and 77-80 are rejected under 35 USC § 102(b) as being anticipated by Boyer (US Patent No. 4,800,079). Claims 35-42, 44, 46-48, 50, 54-62, 65-70, 73-80, 86, 87, 89 and 90 are rejected under 35 USC § 103 as being obvious over Boyer (US Patent No. 4,800,079).

As suggested by Supervisory Patent Examiner Kishore and Examiner Sheikh in the interview on October 17, 2002, Applicants are submitting independent claims 91, 119 and 136 which recite "a fenofibrate composition *consisting essentially of*" to overcome the rejection over Boyer. Independent claim 161 recites "a fenofibrate composition *consisting essentially of*" and also recites "at least one *solid* hydrophilic polymer." Applicants respectfully submit that the newly submitted claims are patentable over Boyer and that the application is now in condition for allowance.

Rejections Over Boyer in view of Curtet

Claims 43, 45, 49, 51, 53, 63, 64, 71, 72, 81-85 and 88 are rejected under 35 USC § 103 as being obvious over Boyer (US Patent No. 4,800,079) in view of Curtet et al (US Patent No. 4,895,726).

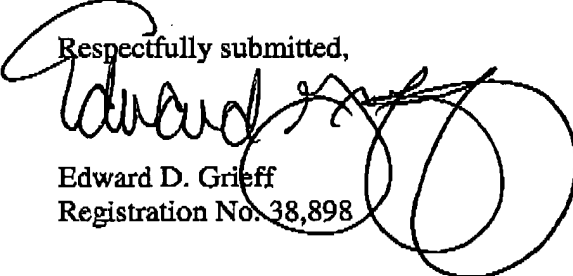
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Conclusion

An early and favorable reconsideration and allowance of claims 91-161 is respectfully requested.

Respectfully submitted,


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